

**FILED**

**DEC 11 2017**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

Clerk, U.S. District Court  
District Of Montana  
Helena

**BILLINGS DIVISION**

KROHNE FUND, LP,

Plaintiff,

vs.

STUART M. SIMONSEN, and  
KAPIDYIA CAPITAL PARTNERS,  
LLC,

Defendants.

No. CV-12-04-BLG-SEH

**ORDER**

This action was filed by Plaintiff against Stuart M. Simonsen (“Simonsen”) and Kapidyia Capital Partners, LLC (“Kapidyia”) to recover damages under theories of fraud and deception under federal securities law, and for common law breach of contract, promissory estoppel, fraud and constructive fraud, negligent misrepresentation, constructive trust, and punitive damages.<sup>1</sup>

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<sup>1</sup> Doc. 6.

On June 22, 2017, counsel for Kapidya were granted leave to withdraw as attorneys for that Defendant.<sup>2</sup>

On May 19, 2017, Simonsen moved for summary judgment on all claims asserted by Plaintiff.<sup>3</sup> The motion was granted by order of July 20, 2017.<sup>4</sup> Judgment of dismissal in favor of Simonsen was entered on October 16, 2017.<sup>5</sup>

Kapidya is and has been unrepresented by counsel since June 22, 2017.

No other or further actions directed to Kapidya have been undertaken by Plaintiff since June 6, 2017.<sup>6</sup>

**ORDERED:**

Plaintiff shall have to and including December 29, 2017, in which to either:

1. Move to dismiss all remaining claims in the case against Kapidya, or, in the alternative,
2. Move, with supporting brief and a proposed schedule for implementation, for a specific program to be undertaken for such actions and procedures as will be necessary and appropriate to enable the Court to proceed to

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<sup>2</sup> Doc. 144.

<sup>3</sup> Doc. 136.

<sup>4</sup> Doc. 152.

<sup>5</sup> Doc. 153.

<sup>6</sup> Doc. 140.

resolution of all remaining claims on the merits.

DATED this 11<sup>th</sup> day of December, 2017.



SAM E. HADDON

United States District Judge